

ENTERED

December 04, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

No. 3:20-347

CLINTON HURLEY, TDCJ # 02096427, PLAINTIFF,

v.

WARDEN KRISTI PITTMAN, DEFENDANT.

ORDER FOR A MORE DEFINITE STATEMENT

JEFFREY VINCENT BROWN, UNITED STATES DISTRICT JUDGE.

Plaintiff Clinton Hurley is incarcerated in the Texas Department of Criminal Justice—Correctional Institutions Division (“TDCJ”). Hurley proceeds *pro se* and *in forma pauperis*. So that the court can properly evaluate the merits of this action, the plaintiff is **ORDERED** to submit a more definite statement of the facts underlying this claim by filing a written response to the questions posed below within thirty (30) days of the date of this order:

QUESTIONS

1. Provide the date that you were admitted to TDCJ most recently. If you do not know the exact date, provide an approximate date (month and year).
2. Provide the dates of any prior admissions to TDCJ and the dates of your release.

3. Provide the dates you were assigned to the Ramsey I Unit. If you do not know the exact dates, provide approximate dates (month and year).
4. Provide the dates you have been assigned to the trusty camp at the Ramsey I Unit. If you do not know the exact dates, provide approximate dates (month and year).
5. You claim that Warden Pittman at the Ramsey I Unit failed to protect you from infection with COVID-19. Have you been in close personal contact with other persons who were positive for COVID-19? If so, answer the following questions separately for each occasion that is a basis for your claims in this lawsuit:
 - a. List the date of the close personal contact.
 - b. Describe the persons who were positive for COVID-19 (for example, inmates, staff, etc.).
 - c. How do you know that these persons were positive?
 - d. Where were you (for example, trusty camp, main building, another TDCJ unit, a work site) when you were close to an infected person on this date? Be as specific as possible.
 - e. How close did an infected person come to you on this date? Be as specific as possible and estimate using inches, feet, or other units of distance.

- f. How long were the infected persons in close proximity to you on this date? Be as specific as possible and estimate minutes, hours, or other units of time.
6. Describe your current housing situation at the Ramsey I Unit. If you allege that inmates who are infected with COVID-19 are housed in close proximity to you, explain briefly. Include estimated distances and time of exposure, as in the questions above.
7. Have you been tested for COVID-19? If so, answer the following separately for each time you were tested:
 - a. When were you tested? Provide the date as specifically as possible.
 - b. Where were you (for example, clinic, cell, etc.) when you received the test?
 - c. Who (name, title, and by whom employed) administered the test?
 - d. If you know, what were the results of the test?
8. Have you been diagnosed with COVID-19? If so, answer the following questions:
 - a. When were you diagnosed with COVID-19? Provide the date as specifically as possible.
 - b. Where were you (for example, clinic, cell, etc.) when you received the diagnosis?
 - c. Who (name, title, and by whom employed) diagnosed you?
 - d. Describe your current condition.

9. Have you had any physical symptoms that you attribute to COVID-19, whether or not you have been diagnosed? If so, answer the following:
 - a. Describe the symptoms.
 - b. List the dates that your symptoms began and ended.
10. Have you received any medical treatment other than testing that is related to COVID-19 or its symptoms? If so, answer the following:
 - a. Identify the kind of treatment you received (for example, clinic visit, medication, hospitalization, etc.).
 - b. Where (for example, clinic, hospital, etc.) did you receive the treatment?
 - c. Identify the medical professional (name, title, and by whom employed) who provided the treatment.
 - d. When did you first receive this treatment? Provide a date as specifically as possible.
 - e. When was the most recent time you received this treatment?
11. You state that you were sick from July 4-17, 2020. Answer the following questions:
 - a. List all symptoms you had from July 4-17, 2020.
 - b. Did you receive medical treatment for these symptoms? If so, answer the following questions separately for each treatment you received:
 - i. Identify the kind of treatment you received (for example, clinic visit, medication, hospitalization, etc.).

- ii. Where (for example, clinic, hospital, etc.) did you receive the treatment?
 - iii. Identify the medical professional (name, title, and by whom employed) who provided the treatment.
 - iv. When did you first receive this treatment? Provide a date as specifically as possible.
 - v. When was the most recent time you received this treatment?
- c. Were you diagnosed with COVID-19 in July 2020? If so, who (name, title, and by whom employed) diagnosed you?
- d. If you were not diagnosed with COVID-19 but believe that you had COVID-19 on these dates, provide the facts that support your belief.
- e. Do you allege that Pittman is responsible for your illness in July 2020? If so, provide all facts that support your belief.

12. Are you alleging that Pittman was aware of a risk to your health or safety from COVID-19 and disregarded the risk? If so, answer the following:

- a. Describe the specific risk to your health or safety.
- b. How did this defendant become aware of the risk? Explain how you know that this defendant was aware of the risk to you.
- c. Provide the dates on which the defendant was aware of the risk to you. Explain how you know.
- d. Explain what this defendant did or failed to do after becoming aware of the risk. Provide dates as specifically as possible.

e. Did this defendant's action or inaction cause harm to you personally?

If so, describe the harm and provide the date when this harm occurred. Explain why the harm was caused by this defendant's action or inaction.

13. Do you allege that TDCJ staff at the Ramsey I Unit moved inmates who were infected with COVID-19 from the main building and other TDCJ units into the trusty camp? If so, answer the following questions separately for each time this occurred:

- a. Provide the date when infected inmates were moved into the trusty camp. If you do not have an exact date, estimate as closely as possible.
- b. Where did the infected inmates come from (main building or another TDCJ unit) on this date?
- c. Approximately how many inmates were moved into the trusty camp on this date?
- d. On this date, was any part of the trusty camp under quarantine? Was the main building or the other TDCJ unit under quarantine? Explain and state how you know.
- e. Where were you housed on this date? Describe your location as specifically as possible and state whether you were quarantined at the time.

- f. If you know, name the officials who ordered this movement of infected inmates. If you do not have the officials' names, provide job titles or other identifying information.
- g. If you know, what was the officials' reason or supposed reason for ordering this movement of infected inmates? If you believe the reason was wrong, explain briefly why.
- h. Did this action cause harm to you personally? If so, describe how you were harmed and when the harm occurred. Explain why the harm was caused by this action.
- i. If you allege that Pittman was responsible for this movement of inmates, explain. Be as specific as possible and explain any involvement Pittman had.
- j. Do you allege that Pittman was aware of a risk to your health or safety from this action but disregarded the risk? If so, answer the following questions:

 - i. Describe the specific risk to your health or safety.
 - ii. Explain how the defendant became aware of this specific risk and how you know.
 - iii. Provide the dates on which the defendant was aware of this risk to you. Explain how you know.

- iv. Did you complain about this risk to Pittman? If so, state whether your complaint was made orally or in writing and provide the specific date that you complained about the risk.
- v. What response, if any, did Pittman make to your complaint?
- vi. Explain what Pittman did or failed to do after she received your complaint. Be specific.

14. You allege that inmate workers from the Ramsey I Unit's trusty camp were sent to surrounding units that were under quarantine, and then back to the trusty camp, increasing the risk for all trusty camp inmates. Answer the following questions separately for each time you complain about in this lawsuit:

- a. Provide the date when trusty inmates were sent to another unit or building. If you do not have an exact date, estimate as closely as possible.
- b. Where (unit, building, etc.) were the trusty camp inmates sent on this date?
- c. Approximately how many inmates from the trusty camp were sent to another unit or building on this date?
- d. How long were the inmates at the other unit or building on this date? Be as specific as possible.

- e. On this date, was any part of the trusty camp under quarantine? Was the other building or unit under quarantine? Explain and state how you know.
- f. Were you one of the inmates sent to the other building or unit on this date? If so, answer the following questions:
 - i. Were you quarantined at the time?
 - ii. Did you have any symptoms at the time that you attribute to COVID-19? Explain.
 - iii. Do you allege that you were exposed to COVID-19 on this date? If so, provide all facts that support your allegation.
- g. If you know, name the officials who ordered the trusty camp inmates to be sent to the other location on this date. If you do not have the officials' names, provide job titles or other identifying information.
- h. If you know, what was the officials' reason or supposed reason for ordering this movement of trusty camp inmates? If you believe the reason was wrong, explain briefly why.
 - i. Did this action cause harm to you personally? If so, describe how you were harmed and when the harm occurred. Explain why the harm was caused by this action.
 - j. If you allege that Pittman was responsible for this movement of trusty camp inmates, explain. Be as specific as possible and explain any involvement Pittman had.

k. Do you allege that Pittman was aware of a risk to your health or safety from this action but disregarded the risk? If so, answer the following questions:

- i. Describe the specific risk to your health or safety.
- ii. Explain how the defendant became aware of this specific risk and how you know.
- iii. Provide the dates on which the defendant was aware of this risk to you. Explain how you know.
- iv. Did you complain about this risk to Pittman? If so, state whether your complaint was made orally or in writing and provide the specific date that you complained about the risk.
- v. What response, if any, did Pittman make to your complaint?
- vi. Explain what Pittman did or failed to do after she received your complaint. Be specific.

15. You allege that TDCJ staff did not properly clean or sterilize cubicles after moving an infected inmate out and before moving a non-infected inmate into the same cubicle. Answer the following questions separately for each time you complain about in this lawsuit:

- a. Provide the date when a non-infected inmate was moved into a cubicle that had not been cleaned. If you do not have an exact date, estimate as closely as possible.

- b. Provide the location of the cubicle as specifically as possible. Was it in the Ramsey I Unit trusty camp or somewhere else?
- c. On this date, was the area containing the cubicle under quarantine? Explain and state how you know.
- d. Were you assigned to this particular cubicle? If so, provide the dates you were assigned there. If not, explain who was assigned there.
- e. If you know, name the officials who ordered non-infected inmates to be housed in cubicles that had not been cleaned on this date. If you do not have the officials' names, provide job titles or other identifying information.
- f. If you know, what was the officials' reason or supposed reason for ordering that a non-infected inmate be housed in a cubicle that had not been cleaned? If you believe the reason was wrong, explain briefly why.
- g. Did this action cause harm to you personally? If so, describe how you were harmed and when the harm occurred. Explain why the harm was caused by this action.
- h. Do you allege that you were infected with COVID-19 because of this action? If so, provide all facts that support your allegation.
- i. If you allege that Pittman was responsible for assigning non-infected inmates to cubicles that had not been cleaned, explain. Be as specific as possible and explain any involvement Pittman had.

j. Do you allege that Pittman was aware of a risk to your health or safety from this action but disregarded the risk? If so, answer the following questions:

- i. Describe the specific risk to your health or safety.
- ii. Explain how the defendant became aware of this specific risk and how you know.
- iii. Provide the dates on which the defendant was aware of this risk to you. Explain how you know.
- iv. Did you complain about this risk to Pittman? If so, state whether your complaint was made orally or in writing and provide the specific date that you complained about the risk.
- v. What response, if any, did Pittman make to your complaint?
- vi. Explain what Pittman did or failed to do after she received your complaint. Be specific.

16. You allege that Pittman failed to adhere to her promise to prevent COVID-19 infection. Answer the following questions:

- a. Explain what you mean by Pittman's "promise." What exactly did she promise? Be as specific as possible.
- b. Provide the date that Pittman made this promise.
- c. Was the promise in writing? If so, do you have a copy?
- d. Did Pittman make this promise verbally? If so, were you present? If not, explain how you know.

- e. Explain why you believe Pittman failed to keep her promise. Be specific and provide relevant dates.
 - f. Explain how you were personally harmed by Pittman's failure to keep her promise.
17. Do you claim that Pittman violated TDCJ policy? If so, answer the following questions:
 - a. Do you know the name or number of the TDCJ policy that she violated? If so, provide it.
 - b. Is this policy in writing? If so, do you have a copy?
 - c. Explain to the best of your ability what the policy says and what it requires.
 - d. Is the policy specific to TDCJ operations during the COVID-19 pandemic or was it in effect before the pandemic?
 - e. If you know, does the policy apply only to the Ramsey I Unit or to all of TDCJ?
 - f. Explain to the best of your ability why the policy is relevant to your claims in this lawsuit.
 - g. Explain how Pittman violated the policy. Be as specific as possible.
 - h. Explain how you were harmed personally by Pittman's violation of the policy. Provide the date that the harm occurred.
18. You have submitted a copy of Grievance No. 2020155650. If you disagree with the official response to the grievance, explain briefly why.

19. Have you filed any additional grievances concerning the allegations that you have raised in your complaint? If so, answer the following questions separately for each grievance you filed that is relevant to your claims in this lawsuit:

- a. List the date that you filed the grievance.
- b. Describe the complaint you made in your grievance.
- c. If you know, provide the grievance number.
- d. Describe the official response you received to this grievance.
- e. If you were dissatisfied with the initial (step 1) response to your grievance, did you file an appeal (step 2)? If not, state why not. If so, what response did you receive?
- f. If you disagree with the step 2 result, briefly explain why.

20. What relief do you request from the court for your claims? Be specific. If you are seeking injunctive relief, state exactly what you want Pittman to do or to stop doing. If you are seeking monetary damages, describe the harm you suffered that provides the basis for the damages you seek.

21. What is your date of birth?

22. List all identification numbers you have ever been assigned by any jail or prison, state or federal (for example, TDCJ numbers, county jail SPN numbers, federal prison register numbers, etc.). For all numbers listed, identify the particular institution that assigned the number.

23. List all the lawsuits, of any nature, you have ever filed in state and federal court, including the case number, full case name (including all parties), type of case, and the outcome.

INSTRUCTIONS

The plaintiff is admonished to heed the following instructions with care. The plaintiff's response is due **thirty (30) days** from the date of this order as shown below. The plaintiff is instructed to label his response "Plaintiff's More Definite Statement" and to include the correct civil-action number as shown above in the style of this case.

The plaintiff is directed to answer the foregoing questions to the best of his ability based on personal knowledge and the information available to him. He is further advised that legal research or resort to a review of prison records is not required. The plaintiff is instructed to submit his responses to the foregoing questions by copying each question as posed by the court and then writing the answer as neatly as possible underneath each question in numbered paragraphs corresponding to the question being answered. The plaintiff must also include somewhere in his response the following affirmation: "I swear under penalty of perjury that these answers are true and correct to the best of my knowledge."

No summons will issue until the court has completed an evaluation of the plaintiff's response to the foregoing questions. The plaintiff's failure to comply as directed may result in the dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure without further notice.

The Clerk will provide a copy of this order to the plaintiff.

Signed on Galveston Island this 4th day of December, 2020.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE